

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

GLENN WHITING, and ARD PROPERTIES)	
)	
Plaintiffs,)	
)	
v.)	No. 3:20-CV-54-TRM-DCP
)	
CHRIS TREW, et al.,)	
)	
Defendants.)	

ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

The parties appeared before the Court via telephone on May 27, 2020, for a status conference concerning discovery disputes. Attorney Van Irion appeared on behalf of Plaintiffs. Attorney Dan Pilkington appeared on behalf of Defendants. By way of background, the parties attended a telephone conference on May 21, 2020, regarding the same discovery disputes. [Doc. 15]. Specifically, Plaintiffs subpoenaed Defendant Chris Trew's deposition for June 3, 2020. Defendants argued that Plaintiffs possess a recorded conversation (hereinafter, the "Recording") between Plaintiff Glenn Whiting ("Whiting") and Defendant Trew, which Plaintiffs refuse to produce. Defendants requested that the Recording be produced prior to any depositions. At the conclusion of the May 21 telephone conference, the Court directed Plaintiffs' counsel to determine the status of the Recording. The Court reset the telephone conference for May 27, 2020.

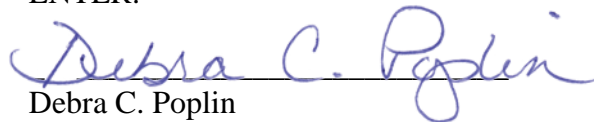
During the May 27 telephone conference, Plaintiffs stated that Plaintiff Glenn Whiting recorded the conversation that he had with Defendant Trew on his cell phone and that he made two flash drives of the Recording. Plaintiff Whiting, however, sent both flash drives to his brother,

Randy Whiting, in Florida, for safekeeping.¹ Plaintiffs state that Randy Whiting cannot locate the flash drives. In addition, Plaintiff Whiting no longer has the Recording on his cell phone because the cell phone crashed. Plaintiffs argued that they wanted to depose Defendant Trew and that if there are discrepancies in his testimony, Plaintiffs will try to locate the Recording. Defendants, however, served Requests for Production for the Recordings in March 2020 and argued that Plaintiffs should locate the Recording immediately and prior to Trew's deposition.

Given that the parties were unable to reach an informal resolution of the issue, the Court instructed the parties to engage in motion practice. The parties, however, agreed to postpone Defendant Trew's June 3 deposition because many of the co-Defendants were not available. The parties agreed to take depositions during the last week of June 2020.

IT IS SO ORDERED.

ENTER:


Debra C. Poplin
United States Magistrate Judge

¹ As mentioned in the Court's previous Order [Doc. 15],¹ Defendants also issued a subpoena to Plaintiff's brother, Randy Whiting, for the Recording. Attorney Irion has filed a Motion to Quash [Doc. 14] on behalf of Randy Whiting.